

- British and American Constitutions -

A COMPARISON, BY SIR WILFRID LAURIER, PREMIER OF CANADA.

It would be a very trite and oft-repeated observation were I to remark at the outset that the British Constitution is not a written instrument. It is not to be found anywhere in book form, it never was condensed in trigon and rigid sentences, spread on paper or parchment; it is a living thing, always growing, always susceptible of improvement; always adaptable to the ever-varying changes and needs of a nation, and so strong and so enduring that, while, during the last century, the whole of the continent of Europe was convulsed by revolutions, while constitutions were tumbling down, the peaceful atmosphere of Britain was as calm as the flight of the eagle in a clear summer sky. The only book in which any record is to be found of the British Constitution is the history of Britain. It must not be supposed that the kings of England were of different and better clay than the sovereigns of the rest of Europe, they were human, and very human. The Norman kings, the Plantagenets, the Tudors, and the Stuarts were all as fond of arbitrary power as the other sovereigns who ruled in Europe, but here was the difference. In Europe the assumption of despotic authority by the king, may have been more or less resisted at first, but in the course of time it grew and at last was timely submitted to, but in England, at all times and by all classes, all attempts at unbridled authority by the king were met by determined, unflinching and unconquerable resistance.

In all the tribes which invaded the Roman Empire, the Angles in Great Britain, the Franks in Gaul, the Goths in Spain, and the Lombards in Italy, among all these tribes there was very little self-government, but there was some rule system of representation to transact the business of the community. In every country in Europe, save England, this system of representation was gradually done away with, was set aside by the ruler, but in England, the first crude system of representation grew and developed in power and in influence, until it became the parliament, the parliament of England; the pride of all British subjects in all parts of the world and alike the envy and the aim of all friends of freedom, law and order, all the world over. It was by this nascent parliament that the ambition of kings was checked, and this was done through the principle which was asserted almost with the origin of the monarchy in England, that in the realm of England the king has no powers to levy taxation upon his subjects, except by the consent of his subjects. This was a bold principle in the middle ages when the doctrine was prevalent of the ever-growing omnipotence of the king, of the anointed of the Lord, as the phrase was then current. That principle lived in the people of Britain a strength of character and a spirit of freedom which was not then to be found in any other race. It was, as I have said, the nascent parliament of Britain which checked the powers of the king, and I am bound to say that the sovereigns of those days cast a covetous eye upon the prerogatives of the other monarchies of Europe which could tax their subjects at their own sweet will, and to their heart's content. That principle was the cause of a long struggle between the kings and the parliament, which lasted with varied fortune until the days of Charles the

First, when parliament asserted its not only by resolutions, not only by speeches, but when they embodied it in a statute to which the king ungraciously assented, and from which he vainly sought to escape. The principle was established in the Statute of 1641, and asserted that it was "the ancient right of the subjects of this kingdom, that no subsidy, custom, impost, or any charge whatsoever ought or may be laid or imposed upon any merchandise exported or imported by subjects, denizens or aliens without common consent in parliament."

And this is the first cardinal principle of the British Constitution, that the king has no power of taxation except by the common consent of parliament. You may ask me what was in those early days the composition of parliament; it was exactly as it is today, composed of the hereditary peers, and the elected commons, there was no difference whatever; the only difference was that in those early days, the lords and the commons sat together, there was only one house.

MERIT BELONGS TO THE LORDS.

Now, I am bound to say in truth and in justice to history, that the merit of first checking the ambition of the sovereign, the merit of first planting the seed of constitutional government does not belong to the class which we today call "the people," but it belongs to the barons, to the lords, to the aristocracy of Britain. Under the feudal regime in every country in Christendom, the great land proprietors were almost as strong and powerful as the king himself. The spirit of resistance was the same in France as in England, but it perished in the first, whereas in the latter country it remained a flame which never was extinguished and permeated the whole body. All honor, I say, to the aristocracy of England. History does not record a class which has done better service for the state and which can boast of more illustrious fame. Happy Britain if the nobles of the twentieth century, faithful to the traditions of the past, in the new principles and new conditions which present themselves, will stand in the vanguard of freedom and reform. By the side of the lords arose the commons. The commons at first were recruited from the landed gentry and town burgesses. It remained so for many centuries. In 1832 there was a bill of reform followed by several similar measures in quick succession which extended the franchise until now in Great Britain the right to vote is given to every respectable wage earner and that country has come to the day of democracy. Happy Britain if her democracy remember that moderation in triumph is the keynote to stability and progress, and

that what has made Great Britain what she is today is not revolution but evolution and reform. The British Constitution is the result of a process of evolution; the application of a few leading principles, supplemented by maxims, rules and precedents—too long to enumerate—which have grown with the ages, determined one at a time, and all tending towards one single object: the government of the people by the people themselves.

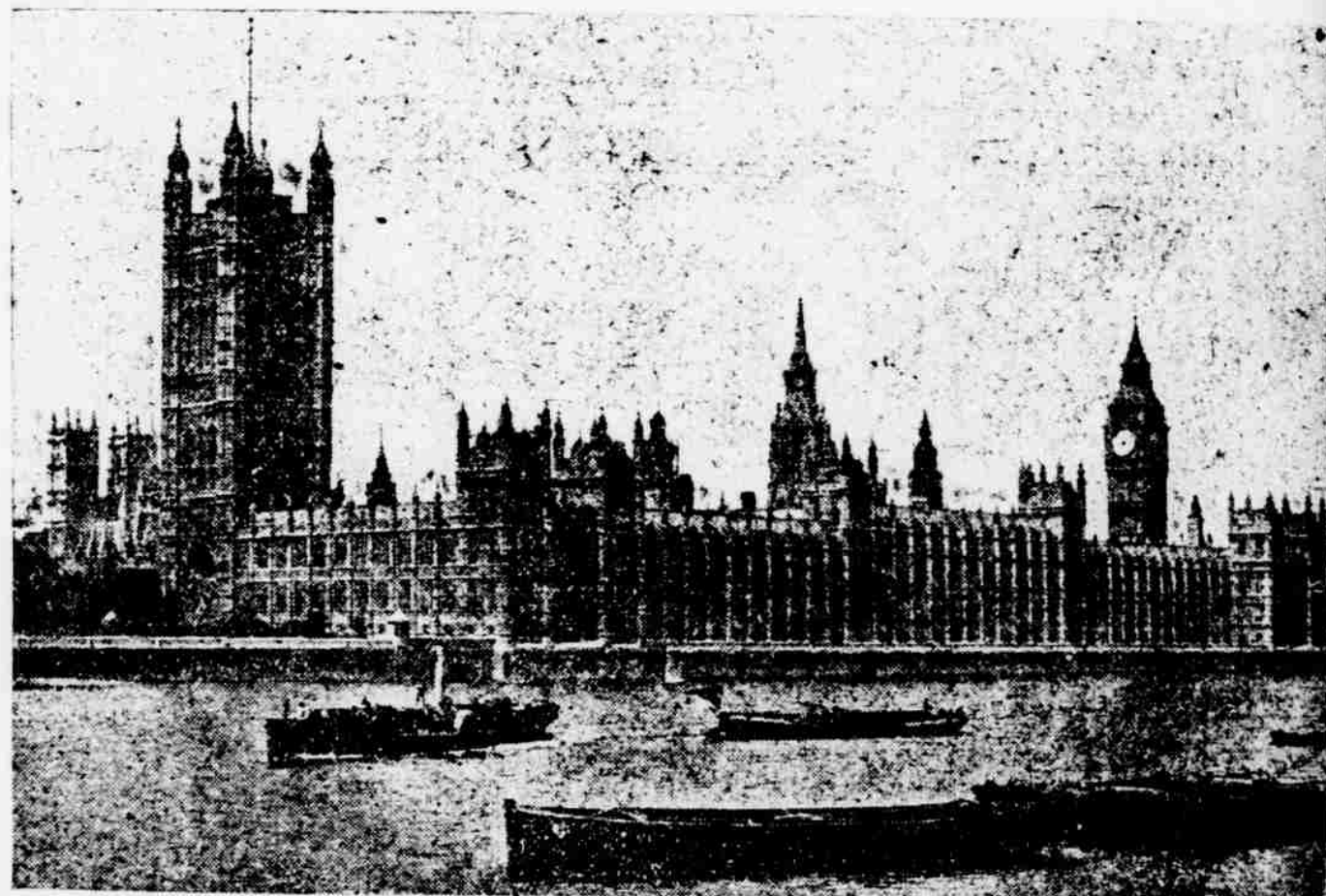
Proud as we may be as British subjects, of these achievements of a country to which we belong, there is another respect in which, it seems to be, the British subjects can derive still greater pride. The British Constitution in another way encircles the globe. It has

been carried over the globe not only by British hands but by the friends and lovers of liberty. During the last century all the nations of the continent of Europe have been convulsed by revolutions in the struggle of the people for liberty, and they found it at last in the application to themselves of the British Constitution. France, Italy, Spain, Portugal, Germany, Austria, Hungary, Greece, Denmark, Norway, Sweden, all these coun-

tries have adopted, in whole or in part, the British Constitution. At all events, those which have not adopted it entire have adopted those two cardinal principles: "No taxation except by the consent of the people, and ministerial responsibility." Nor is that all. These great principles have crossed the farthest oceans and by them the dormant civilization of the Orient has been quickened to life. Japan has adopted it, and by doing so it has jumped at one bound into the highest rank in peace and war; and even the Empire of Turkey itself, the decadent power, the sick man, as Lord Palmerston used to call it, is seeking, and may find, in the British Constitution regeneration. And there is one power that has also adopted the



CANADIAN PARLIAMENT BUILDING, OTTAWA.

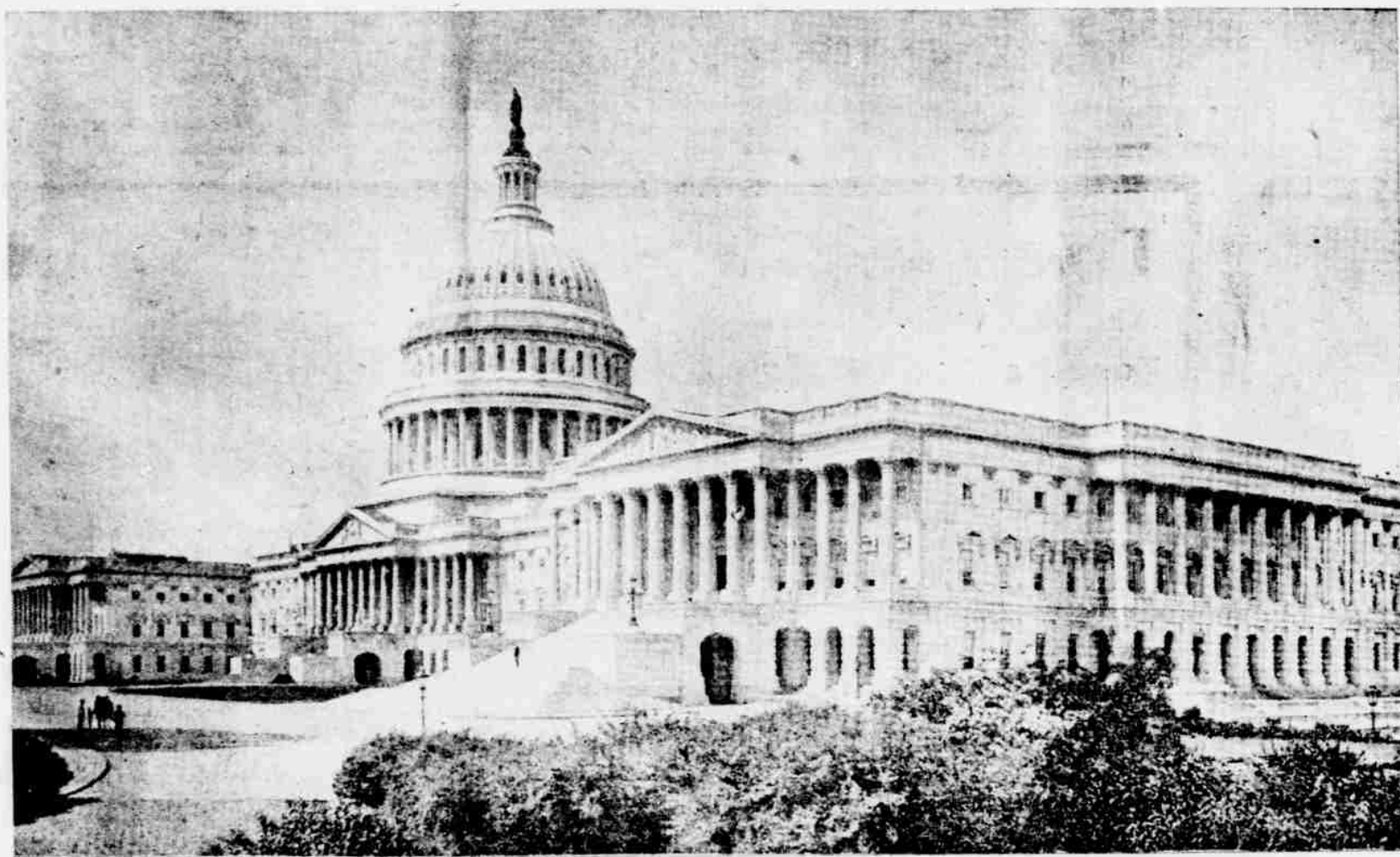


BRITISH PARLIAMENT BUILDINGS, LONDON.

THE AMERICAN CONSTITUTION.

When the thirteen colonies violently rent themselves from the Motherland, they paid her the compliment of incorporating in the constitution which they afterwards adopted for themselves, almost in its entirety, with few exceptions, the principles of the constitution of the Old Country, as far as they could apply them to their new conditions as a republic. I am in honor bound to say that wherever they departed from it, they did not improve, but rather weakened their condition, and I claim for the constitution of Great Britain that it is more elastic, more practicable, more amenable to the public weal, and, therefore, more democratic than the constitution of the republic of America. In so far as legislative power is concerned, there is absolutely no difference at all; it is the British constitution entire under different names. They have a parliament, but the parliament is called congress; it is composed of two houses, not of course, the lords and the commons, there are no lords in the United States, except the moneyed lords, the moneyed barons, perhaps, but they have the house of representatives and the senate. The head of the nation, the President, is elective, and all legislation must be consented to, to be effective, by the house of representatives, the senate and the President. This is exactly the same as legislation by the king, the lords and the commons. In so far as the executive power is concerned, it is vested in the President, but here arises the first radical departure between the American Constitution, and the British Constitution. There is no ministerial responsibility in the United States. The President is elected for four years, and during those four years, he is the head, the executive power, he is absolutely beyond the control of parliament, the people who have elected him have no control over him, and the congress which passes the laws have no power over him, he is absolutely

one, it did not propose to deal with slavery, where slavery existed then; but its whole program was confined to this: that they would not allow any extension of slavery beyond those limits in which it then existed; to such a pitch, however, were the passions aroused at that time, that the slavery power in the United States, in the South, to which it was then confined, threatened during the elections, that if Abraham Lincoln were elected they would rend the Union, and after the election had taken place, they proceeded to put their threat into execution. State after state seceded from the Union. The outgoing President, James Buchanan, was an honest man, but a weak character. He was surrounded by traitors who took advantage of the last days of the outgoing government to facilitate the conspiracy of the slave owners. The President-elect, Abraham Lincoln, was absolutely powerless to interfere, he was an impotent spectator of this work of destruction, and could not as much as lift a finger to prevent it. I cannot but believe that at that time the American statesmen regretted that they had not the system of ministerial responsibility, such as prevailed under the British Constitution, under which Abraham Lincoln would have been placed in office in three weeks, and how much blood and treasure would have been saved had he been more promptly placed in the position to which the voice of the people had called him. There is another and still more striking example to be found in the period of reconstruction which followed the Civil War. The policy of congress and the policy of the President in the problem of reconstruction were notably at variance. It is no part of my present intention to consider who was in the right or who was in the wrong, but under the British system the policy of congress would have easily prevailed. The first vote of want of confidence in the house of representatives would have, at once, compelled a change of ministry and forced the policy which congress had in mind. But, under the system (Continued on Page Eight.)



THE CAPITOL AT WASHINGTON.

Fall Styles Are Here

We want to call your attention to the style features of the
Hart Schaffner & Marx Clothing

AN INSPECTION OF THE SUITS IN OUR STORE WILL CONVINCE YOU OF THEIR EXCELLENCE IN MATERIAL, CORRECTNESS OF STYLE AND SUPERIORITY OF CONSTRUCTION.

You will find the Cloth is Wool and the Linings of a quality that will not shame the man who takes off his coat on the links or tennis court. The Trousers are cut to shape themselves to the lines of the man who wears them. Everything is as exact as intelligence in the art of making clothes can get it. We have many patterns of material and a number of styles of coats.

SILVA'S TOGGERY, Ltd.

Elks' Building

Telephone 1751

King Street

